

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

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v.

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CRIMINAL NO.: RDB-14-0186

RICHARD BYRD

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MOTION TO MODIFY DEFENDANT'S DETENTION STATUS

Now comes the Defendant, **Richard Byrd**, by his attorney, David R. Solomon, Esquire, and respectfully requests that his present detention status be modified and for reasons therefore, states:

1) That the Defendant is pending trial in the above-captioned case which is scheduled for September 12, 2016 at 9:30 a.m. before the Honorable Richard D. Bennett of the United States District Court for the District of Maryland. Said trial is to last upwards of two (2) to three (3) weeks.

2) That defendant has been detained since his arrest in the above-captioned matter.

3) That defendant has been detained at the Central Treatment Facility for some time now and had been in the general population until or about March 30, 2016 when the United States Attorney's Office for the District of Maryland union arity placed him in lockdown.

4) That the United States Attorney's Office has maintained that the Defendant was running a heroin ring in the Central Treatment Facility and that Mr. Byrd reached out to a potential government witness in an effort to sway or intimate same. Undersigned counsel has no information in that regard.

5) That undersigned counsel's office spoke with Assistant Warden Fulton on May 17, 2016. Assistant Warden Fulton advised that David Ashton, Sr. of the United States Marshall's Office forwarded paperwork to the Central Treatment Facility demanding that he be placed in lockdown status as of March 30, 2016. Undersigned counsel's office also inquired of Assistant

Warden Fulton as to why Mr. Byard was in lockdown status. He advised that he was not at liberty to disclose that information and that any information in that regard had to be obtained from Mr. Ashton.

6) On that same date, undersigned counsel's office called Mr. Ashton at 410-962-7561. His voice mail indicated that it was full and could not accept messages. Again, on May 20, 2016 undersigned counsel's office called Mr. Ashton at the aforesaid number with the same result.

7) On May 17, 2016, undersigned counsel's office called Chief Security Officer Miles at the Central Treatment Facility and left a message on her voice mail to respond to our call. Later that day, undersigned counsel's office spoke with Chief Johnson at the Central Treatment Facility and made inquiries as to Mr. Byrd's status. Her response was that jurisdiction over Mr. Byrd was with the United States Marshall's Office which had requested that he be placed in segregation. She further indicated that the nature of the investigation was outside the ambit of the Central Treatment Facility and that, to her knowledge, Mr. Byrd had not violated any rules or regulations while at the Central Treatment Facility. She further added that she would not be willing to put that in writing.

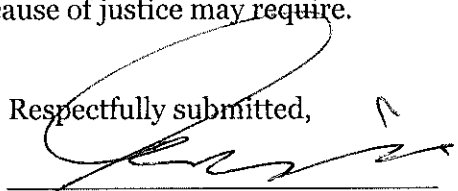
8) That on May 17, 2016, undersigned counsel's office left a message with Warden Peterson and requested that he return our call. Again, on May 20, 2016, undersigned counsel's office left a message on Warden Peterson's voice mail and requested that he return our call. At the time of the filing of the hereinabove Motion, no calls have been returned.

9) That the Defendant is requesting a hearing on this matter to force the United States Attorney's Office to provide concrete and verifiable intelligence that Mr. Byrd has violated rules and regulations at the Central Treatment Facility, to wit, that he has engaged in a heroin distribution ring within the institution and/or that he had a role in reaching out to the as yet unidentified witness.

WHEREFORE, the Defendant respectfully requests:

- a) That this matter be set in for an expeditious hearing; and,
- b) For such other and further relief as the cause of justice may require.

Respectfully submitted,



DAVID R. SOLOMON, ESQ.
201 N. Charles St., Suite 1717
Baltimore, Maryland 21201
Phone No.: 410-244-8822
Fax No. : 410-625-1028

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 2016, a copy of the foregoing was electronically forwarded to: James G. Warwick, Esquire, Kenneth S. Clark, Esquire, Assistant United States Attorneys, U.S. Department of Justice, 36 South Charles Street, Fourth Floor, Baltimore, Maryland 21201.



DAVID R. SOLOMON, ESQ.

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ORDER

It is hereby **ORDERED** this ____ day of _____, 2016, that Defendant's Motion To Modify Defendant's Detention Status, is hereby GRANTED/DENIED; and,

It is further **ORDERED** that the trial date in the above-captioned case be set in for a Detention Hearing.

JUDGE RICHARD D. BENNETT
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND